

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION

NO. 7:14CR000037-001BO

FILED IN OPEN COURT
ON 12/18/2014 ^{CD}
Julie A. Richards, Clerk
US District Court
Eastern District of NC

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	CONSENT ORDER
)	
CARL DAVIS,)	
)	
Defendant.)	

The United States of America ("United States"), by and through the United States Attorney's Office for the Eastern District of North Carolina, and the Defendant, Carl Davis, with the concurrence of the Defendant's Attorney, H. Gerald Beaver, have agreed to the following:

1. That the United States and Defendant, through counsel, entered into a Memorandum of Plea Agreement and the same was filed in open court on June 10, 2014.

2. That the parties acknowledge and agree that the restitution owed in the case will be in excess of \$145,000.00.

3. That the Defendant, through counsel, has expressed a desire to begin paying money toward the restitution amount prior to sentencing.

4. That Defendant, through counsel, will pay \$3,000.00 at time of sentencing. In addition, Defendant further agrees to

begin making monthly payments of \$1,500.00 per month beginning February 25, 2015. Said \$1,500.00 monthly payments shall continue until October 25, 2015, when the payments will increase to \$2,000.00. The payments shall remain at \$2,000.00 per month until such time as his case is re-evaluated and any payment adjustments presented to the Court. Payments are to be made payable to the U. S. District Court and mailed to P. O. Box 25670, Raleigh, North Carolina 27611. All payments should include the Defendant's name and court docket number 7:14CR000037-001BO.

6. Should the defendant be sentenced by this Court to an active prison term, the payments outlined in paragraph 5 above will be suspended until such time as the defendant is release from prison. Within thirty (30) days from his release from prison, the defendant shall begin making the payments for the same amounts and number of months as outlined in paragraph 5 or request that the U. S. Attorney's Office re-negotiate the terms of the Consent Order and provide the Court with a revised Consent Order for Payments.

7. The Defendant, through counsel, further agrees to allow the U. S. Marshals Service to sell property deeded in his name, located at Lot 214 Shannon Road, PIN 934869265500, Robeson County, North Carolina, and Defendant confirms that said property is free and clear of liens other than ad valorem taxes

that may be due on the property. The Defendant agrees that the net proceeds from the sale will be applied to the restitution ordered. Pursuant to 28 U.S.C. § 2001, the U. S. Marshals Service shall be authorized, at their discretion, to contract with a real estate or brokerage firm in order to maximize the sale of the property. The U. S. Marshals Service is not required to sell property at auction, on the premises of the property, or at the courthouse, and any reasonable advertising may be used, so long as it is done in a commercially reasonable manner. The U. S. Marshals Service will prepare a Report of Sale with the Court within five (5) days after the sale is completed.

8. The United States and the Defendant, through counsel, agree that the judgment entered at time of sentencing shall state that the total amount of restitution ordered shall be due and payable immediately, regardless of the amount paid by the Defendant prior to sentencing.

Based on the foregoing, the Court orders that the Financial Section of the Court accept and apply prejudgment monies received from the Defendant as outlined herein.

SO ORDERED, this 18 day of December, 2014.


United States District Judge

CONSENTED TO:

for Felicia McConnell Carpenter
EVAN RIKNYE
Assistant United States Attorney

H. Gerald Beaver
H. GERALD BEAVER
Attorney for Defendant

Carl Davis
CARL DAVIS
Defendant